

REMARKS

The invention is an outer decorative cover for attachment to a wireless communication device. An outer decorative cover 12 for attachment to a wireless communication device including a printed circuit board 20 and an associated a light source 38 mounted in an interior of the wireless device as illustrated in Figs. 3, 5, and 6 in accordance with an embodiment of the invention includes an inner and outer surface as illustrated in the drawings; and an optical fiber 40, 41a and 40b incorporated in a pattern as illustrated in Figs. 1, 2 and 4 as part of the outer decorative cover and including an input end for receiving light from the light source when the light source is activated and the outer decorative cover is attached to the wireless communication device and a side surface which transmits the light therethrough along a length of the fiber when the light is received by the input end so as to cause the light transmitted along the length of the fiber to be visible. See paragraphs [0004], and [0015]-[0018] in the Specification.

The Examiner has objected to the title as not being descriptive. The title has been amended to be more descriptive of the claimed subject matter.

Claims 27-38 stand rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner reasons as follows:

The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 27-28, recite an outer decorative cover for attachment to a wireless communication device. Such a feature is not disclosed in the specification as filed. The specification as amended recites “[0023] The optical fiber member 40, 40a and 40b may be adhered to an outer or inner surface of the cover member 12, 12a and 12b or molded or embedded in the cover member. The optical member may be an optical fiber thread or an

optical fiber panel." an outer decorative cover for attachment to a wireless communication device is a new matter which has no support in the specification as filed.

These grounds of rejection are traversed for the following reasons.

The Examiner is referred to paragraph [0021] of the Substitute Specification which teaches

[0021] A device such as a cellular telephone may be provided with a set of illuminated decorative covers in accordance with the present invention, with each cover readily attaching to and detaching from the device, permitting the user to change covers when desired. By way of example, when light source 38 is mounted on battery cover 36 as in the embodiment of Figure 3, rear cover 12 can be replaced by another, having a different illuminated decoration, with battery cover portion 36 and light source 38 transferred to the new cover. When light source 38 is mounted on printed circuit board 20, as in the embodiments of Figures 5 and 6, rear cover 12 can be replaced without disturbing the light source (emphasis added).

As stated therein "each cover readily attaching to and detaching from the device, permitting the user to change covers when desired" clearly supports the claiming of an outer decorative cover for attachment to a wireless communication device which is the point which the Examiner is asserting was not disclosed. Accordingly, it is submitted that the rejection of the claims based upon failure to comply with the written description requirement is erroneous.

Claims 27-38 stand rejected under 35 U.S.C. §103 as being unpatentable over United States Patent 5,542,016 (Kaschke) in view of United States Patent 6,643,529 (Inoue et al). These grounds of rejection are traversed for the following reasons.

Kaschke discloses an optical fiber light emitting apparatus 200 which is disclosed as being a light source for a display 611 and a keyboard 613 of a cellular

telephone as described in detail with respect to Figs. 9-12. Figs. 7 and 8, respectively, illustrate a cross-sectional view of keypad 613 and the display 611. As may be seen from Figs. 7 and 8 and the description thereof, neither the embodiment of backlighting the display 611 nor the keyboard 613 can be read upon the claimed outer decorative cover which is recited in the claims as incorporating an optical fiber in a pattern as part of the outer decorative cover or an optical fiber being molded in a pattern as part of the outer decorative cover. The optical fiber light emitting apparatus 200 is inside of the keypad 13 which includes a membrane 700 and is inside of the LCD glass 800. A person of ordinary skill in the art understands that Kaschke's backlighting provided by the light emitting apparatus 200 in association with the keyboard 613 and the display 611 is not readable upon an outer decorative cover including an optical fiber incorporated as part of or molded as part of the outer decorative cover.

The Examiner apparently acknowledges this difference with the statement on lines 3 and 4 "but differs in teaching an outer decorative cover for attachment to wireless communication device" which is understood to mean that the Examiner has acknowledged the aforementioned construction of Kaschke as set forth above.

The Examiner then argues that "[h]owever, Inoue teaches cover 4 integrally molding by a two color molding a decoration panel 16 is fitted to the front side (column 5, lines 68 - column 6, line 8 and Fig. 2A)." However, the Examiner's reliance upon Inoue et al is misplaced.

The cover 4 of Inoue is shown in Fig. 1C in an open position in which it is slid downward to expose the keypad. See column 5, lines 54-59, with the description of the cover being open. The key pressing parts 5 in the slidable cover, as a result of a

construction from an elastomer resin, permits the underlying keys to be activated. See Fig. 2B where the elastomeric parts are identified by numeral 4A as described in column 5, lines 60-68, through column 6, lines 1-8. As may be seen from the exploded view in Fig. 2A, the decorative panel is placed on top of the slidable cover so that it is fit on the front side for hiding borderlines.

The Examiner's conclusion that "[t]herefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to attach a decorative cover, as evidenced by Inoue, in order to attract the user and easily visibility of the keypad for the user" does not demonstrate why a person of ordinary skill in the art would be motivated to modify Inoue et al to arrive at the subject matter of claims 27 and 28. This rationale does not address the claimed subject matter and the difference which the Examiner has acknowledged apparently that Kaschke does not disclose an outer decorative cover for attachment to a wireless communication device. However, the Examiner should consider that claim 27 recites "an outer decorative cover...an optical fiber incorporated in a pattern as part of the outer decorative cover including an input end for receiving light from the light source when the light source is activated and the outer decorative cover is attached to the wireless communication device and a side surface which transmits the light therethrough along a length of the fiber when the light is received by the input end so as to cause the light transmitted along the length of the fiber to be visible when viewing the outer surface" and claim 28 recites "an outer decorative cover... an optical fiber molded in a pattern as part of the outer decorative cover including an input end for receiving light from the light source when the light source is activated and the outer decorative cover is attached to the wireless communication device and

a side surface which transmits the light therethrough along a length of the fiber when the light is received by the input end so as to cause the light transmitted along the length of the fiber to be visible when viewing the outer surface."

It is therefore seen that the optical fiber is incorporated in a pattern as part of the outer decorative cover including an input for receiving light from the light source when the light source is activated with the light source being recited as being included in the interior of the wireless device. This combination is not suggested by the Examiner's proposed combination.

Specifically, as acknowledged by the Examiner, there is no teaching of an outer decorative cover which includes an optical fiber incorporated in a pattern as part of an outer decorative cover with an input end for receiving light from a light source which is in the interior of the wireless device. This combination would not be achieved by the proposed combination of Kaschke and Inoue et al since the outer decorative cover of Inoue et al, while incorporating a decorative part, does not provide for an optical fiber therein which is lit from the interior of the wireless communication device by an associated light source.

Moreover, there is no basis why a person of ordinary skill in the art would be led to modify the teachings of Kaschke et al in combination with the Inoue et al to arrive at the subject matter of claims 27 and 28 and the claims dependent therefrom.


In view of the foregoing amendments and remarks it is submitted that each of the claims in the application is in condition for allowance.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the

filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (0173.40106X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Donald E. Stout", is written over a horizontal line.

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